

ESTTA Tracking number: **ESTTA368903**Filing date: **09/17/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Nike, Inc.		
Entity	Corporation	Citizenship	Oregon
Address	One Bowerman Drive Beaverton, OR 97005 UNITED STATES		

Attorney information	Kevin Parks Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Ave Suite 4900 Chicago, IL 60601 UNITED STATES kparks@leydig.com, mcalkins@leydig.com Phone:312-616-5600
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**Applicant Information**

Application No	77931037	Publication date	08/31/2010
Opposition Filing Date	09/17/2010	Opposition Period Ends	09/30/2010
Applicant	LUHUA ZHAO 773 BROOKWOOD TERRACE LILBURN, GA 30047 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 007. First Use: 2010/01/15 First Use In Commerce: 2010/01/17  
All goods and services in the class are opposed, namely: Agricultural machinery, namely, combines; Aquarium pumps; Cheese making machines; Clothes washing machines; Electric can openers; Electric glue guns; Electric vacuum cleaners

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	978952	Application Date	01/31/1972
Registration Date	02/19/1974	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class U022 (International Class 025). First use: First Use: 1971/06/18 First Use In Commerce: 1971/06/18 ATHLETIC SHOES WITH SPIKES AND ATHLETIC UNIFORMS FOR USE WITH SUCH SHOES Class U039 (International Class 025). First use: First Use: 1971/06/18 First Use In Commerce: 1971/06/18 ATHLETIC SHOES WITHOUT SPIKES AND ATHLETIC UNIFORMS FOR USE WITH SUCH SHOES

U.S. Registration No.	1153938	Application Date	01/16/1979
Registration Date	05/12/1981	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1972/03/00 First Use In Commerce: 1972/03/00 ALL PURPOSE SPORTS BAGS, TRAVEL BAGS, HAND BAGS AND SHOULDER BAGS		

U.S. Registration No.	1214930	Application Date	03/23/1981
Registration Date	11/02/1982	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1971/06/18 First Use In Commerce: 1971/06/18 Footwear		

U.S. Registration No.	1243248	Application Date	03/23/1981
Registration Date	06/21/1983	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1972/02/00 First Use In Commerce: 1972/02/00 Retail Footwear and Apparel Store Services		

U.S. Registration No.	1277066	Application Date	04/22/1982
Registration Date	05/08/1984	Foreign Priority Date	NONE
Word Mark	NIKE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1971/06/18 First Use In Commerce: 1971/06/18 ATHLETIC AND CASUAL CLOTHING FOR MEN, WOMEN AND CHILDREN- NAMELY, SHIRTS, PANTS, SHORTS, JACKETS, WARM-UP SUITS, (( SWIMWEAR, TENNISWEAR, SKIRTS, SWEATERS, UNDERWEAR, )) HEADWEAR, SOCKS (( AND WRISTBANDS ))

U.S. Registration No.	1924353	Application Date	04/29/1993
Registration Date	10/03/1995	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1995/04/10 First Use In Commerce: 1995/04/10 binders, student planners, notebooks, portfolio covers Class 018. First use: First Use: 1995/04/10 First Use In Commerce: 1995/04/10 pouches for carrying school materials		

U.S. Registration No.	2025926	Application Date	12/02/1994
Registration Date	12/24/1996	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1995/07/26 First Use In Commerce: 1995/07/26 sports balls		

U.S. Registration No.	2196735	Application Date	10/24/1996
Registration Date	10/13/1998	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1997/08/26 First Use In Commerce: 1997/08/26 timepieces of all types, namely, watches and chronographs		

U.S. Registration No.	2239077	Application Date	12/19/1994
Registration Date	04/13/1999	Foreign Priority Date	NONE
Word Mark	NIKE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1998/01/09 First Use In Commerce: 1998/01/09 ear plugs for swimming purposes Class 028. First use: First Use: 1995/11/01 First Use In Commerce: 1995/11/01 nose clips for swimming purposes, swim goggles, kickboards, and buoys for recreational and training use

U.S. Registration No.	3081688	Application Date	04/30/2004
Registration Date	04/18/2006	Foreign Priority Date	NONE

Word Mark	NIKE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1996/08/28 First Use In Commerce: 1996/08/28 Eyewear, namely, sunglasses, sunglass frames, cases for eyewear, parts and accessories for eyewear, namely, straps, neck cords, and head straps which restrain eyewear from movement on a wearer

U.S. Registration No.	3167342	Application Date	05/12/2003
Registration Date	11/07/2006	Foreign Priority Date	NONE

Word Mark	NIKE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 030. First use: First Use: 1961/12/01 First Use In Commerce: 1961/12/01 Sandwiches
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U.S. Registration No.	3406594	Application Date	12/07/2004
Registration Date	04/01/2008	Foreign Priority Date	NONE

Word Mark	NIKE
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 Computer software in the field of health and fitness used to manage digital music, store and organize digital music, create custom compact discs, download digital music from the internet, build, manage and transfer play lists, log fitness data, namely, times, paces, heart rate and injuries, create workout schedules and goals, download data from a watch to a computer; digital audio equipment, namely, portable digital music players and walkie talkies; compact disc players; headphones; specialty carrying cases for cellular telephones, portable digital audio equipment, and compact disc players; pedometers

Attachments	78411705#TMSN.jpeg ( 1 page )( bytes ) 78528705#TMSN.jpeg ( 1 page )( bytes ) 2010-09-17 Notice of Opposition.pdf ( 19 pages )(416857 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kevin Parks/
Name	Kevin Parks
Date	09/17/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NIKE, INC.,	)	
	)	
Opposer,	)	Opposition No. _____
	)	Serial No. 77/931,037
v.	)	
	)	
LUHUA ZHAO,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Nike, Inc. ("Opposer"), an Oregon corporation, located at One Bowerman Drive, Beaverton, Oregon 97005, hereby brings this Opposition against Application Serial No. 77/931,037 for the mark "NIKE" (the "Application" or "Applicant's Mark"), filed by Luhua Zhao, an individual and citizen of China ("Applicant"), published in the Official Gazette August 31, 2010. Opposer believes it will be damaged by the registration of this Application and therefore opposes the same.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is a leading sports and fitness company, and a leading provider of a broad range of clothing, footwear, sporting goods and related products and services.
2. Opposer is incorporated under and uses the trade name Nike, Inc.
3. Opposer has continuously used the mark NIKE in interstate commerce since at least as early as 1971, in connection with footwear and various clothing items in Class 25.
4. Since 1971, Opposer has expanded its offered products and services to include a broad range of clothing, footwear, sporting goods and related products and services, including the following: bags in Class 18 (used as early as 1972); retail store services in Class 42 (used as

early as 1972); binders and notebooks in Class 16 (used as early as 1995); pouches for carrying school materials in Class 18 (used as early as 1995); sports balls, swim goggles, kickboards and other swimming related items in Class 28 (used as early as 1995); eyewear and related accessories in Class 9 (used as early as 1996); watches and other timepieces in Class 14 (used as early as 1997); ear plugs for swimmers in Class 9 (used as early as 1998); computer software, digital audio equipment and accessories, and pedometers in Class 9 (used as early as 2000).

5. Opposer is the owner of the following United States Trademark Registration Numbers covering the below-identified International Classes:

Mark	Registration No.	Class(es) covered
NIKE	978,952	25
NIKE	1,153,938	18
NIKE	1,214,930	25
NIKE	1,243,248	42
NIKE	1,277,066	25
NIKE	1,924,353	16, 18
NIKE	2,025,926	28
NIKE	2,196,735	14
NIKE	2,239,077	9, 28
NIKE	3,081,688	9
NIKE	3,167,342	30
NIKE	3,406,594	9

(collectively, the “NIKE Mark”). Copies of the registration certificates for these marks are attached hereto as Exhibit A.

6. Registration Nos. 978,952; 1,277,066; 1,214,930; 1,153,938; 1,243,248; 1,924,353; 2,025,926; 2,239,077; and 2,196,735 are incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065, and thus serve as conclusive evidence of the validity of Opposer’s NIKE Mark pursuant to 15 U.S.C. § 1115(b).

7. Opposer has made substantial sales of goods and services under its NIKE Mark.

8. Opposer has used its NIKE Mark in numerous wide-reaching and highly successful advertising campaigns.

9. On February 8, 2010, Applicant filed the Application asserting its intention to use the mark NIKE with various goods in International Class 7. At the time of publication, the Application was based on use in commerce at least as early as January 17, 2010, in connection with the following goods: “Agricultural machinery, namely, combines; Aquarium pumps; Cheese making machines; Clothes washing machines; Electric can openers; Electric glue guns; Electric vacuum cleaners,” in International Class 7.

**COUNT I**

**LIKELIHOOD OF CONFUSION**

10. Opposer realleges paragraphs 1 through 9 as paragraph 10 of this Count I.

11. Opposer’s use and registration of its NIKE Mark long pre-dates either the first use date or the filing date of the Application.

12. Applicant’s Mark is confusingly similar to Opposer’s NIKE Mark.

13. Upon information and belief, when Applicant filed the Application, it was aware of Opposer and Opposer’s long-standing use of its NIKE Mark.

14. Due to the similarity of the marks involved, and other factors, confusion is likely as between Applicant’s Mark and Opposer’s NIKE Mark, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

15. Registration of Applicant’s Mark is likely to cause confusion or mistake in the mind of the public, and to lead the relevant public into believing that Applicant’s services are Opposer’s, or are endorsed or sponsored by, or otherwise affiliated or connected with Opposer, all to the damage and injury of Opposer and the relevant public.



16. In view of the above, the grant of a registration for Applicant's Mark, as sought in the Application, should be denied.

**COUNT II**

**DILUTION**

17. Opposer realleges paragraphs 1 through 16 as paragraph 17 of this Count II.

18. Through extensive advertising and promotion, Opposer's NIKE Mark has become famous in the United States.

19. Opposer's NIKE Mark was famous prior to both the Applicant's first use date and the Application's filing date.

20. Registration of Applicant's Mark is likely to cause dilution of Opposer's NIKE Mark, to the injury of Opposer, by lessening the capacity of the NIKE Mark to identify and distinguish Opposer's goods and services, or otherwise diluting or tarnishing Opposer's famous NIKE Mark.

21. Based on the foregoing, the grant of a registration for Applicant's Mark as sought in the Application should be denied based on a likelihood of dilution of the distinctive quality of Opposer's famous NIKE Mark, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, by its undersigned attorneys, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of Application Serial No. 77/931,037 be refused.

Please charge deposit account No. 12-1216 in the amount of \$300.00 to cover the filing fee of this Notice of Opposition against the Application. Please charge any additional fees to Deposit Account 12-1216, as necessary.

Respectfully submitted,

Date: September 17, 2010

By: 

Kevin C. Parks  
Michelle L. Calkins  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, 180 N. Stetson Ave.  
Suite 4900  
Chicago, Illinois 60601-6731  
(312) 616-5600  
Attorneys for Opposer

**CERTIFICATE OF ELECTRONIC FILING**


I hereby certify that the attached NOTICE OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on September 17, 2010.

  
\_\_\_\_\_  
Michelle Calkins

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this NOTICE OF OPPOSITION was served by First Class Mail to the following addresses on September 17, 2010, such being the Applicants' correspondence address listed in the TARR system as of this date:

Luhua Zhao  
773 Brookwood Terrace  
Lilburn, GA 30047-3144

  
\_\_\_\_\_  
Michelle Calkins

# Exhibit A

# United States Patent Office

978,952  
Registered Feb. 19, 1974

## PRINCIPAL REGISTER Trademark

Ser. No. 414,176, filed Jan. 31, 1972

**NIKE**

BRS, Inc. (Oregon corporation)  
6175 SW. 112th Ave.  
Beverton, Oreg. 97005

For: ATHLETIC SHOES WITH SPIKES AND  
ATHLETIC UNIFORMS FOR USE WITH SUCH  
SHOES, in CLASS 22 (INT. CL. 25).

For: ATHLETIC SHOES WITHOUT SPIKES AND  
ATHLETIC UNIFORMS FOR USE WITH SUCH  
SHOES, in CLASS 39 (INT. CL. 25).

First use June 18, 1971; in commerce June 18, 1971.

**Int. Cl.: 18**

**Prior U.S. Cl.: 3**

**United States Patent and Trademark Office**

**Reg. No. 1,153,938**

**Registered May 12, 1981**

**TRADEMARK**  
**Principal Register**

**NIKE**

**BRS, Inc. (Oregon corporation)**  
**Suite 115**  
**8285 SW. Nimbus**  
**Beaverton, Oreg. 97005**

**For: ALL PURPOSE SPORTS BAGS, TRAVEL**  
**BAGS, HAND BAGS AND SHOULDER BAGS,**  
**in CLASS 18 (U.S. Cl. 3).**  
**First use Mar. 1972; in commerce Mar. 1972.**  
**Owner of U.S. Reg. No. 978,952.**

**Ser. No. 200,253, filed Jan. 16, 1979.**

**DAVID C. REIHNER, Primary Examiner**

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office**

**Reg. No. 1,214,930**

**Registered Nov. 2, 1982**

**TRADEMARK**

**Principal Register**

**NIKE**

**BRS Inc. (Oregon corporation)  
3900 SW. Murray Blvd.  
Beaverton, Oreg. 97005**

**For: FOOTWEAR, in CLASS 25 (U.S. Cl. 39).  
First use Jun. 18, 1971; in commerce Jun. 18, 1971.  
Owner of U.S. Reg. Nos. 978,952 and 1,153,938.**

**Ser. No. 302,504, filed Mar. 23, 1981.**

**ERNEST H. LAND, Primary Examiner**

**Int. Cl.: 42**

**Prior U.S. Cl.: 100**

**United States Patent and Trademark Office**

**Reg. No. 1,243,248**

**Registered Jun. 21, 1983**

**SERVICE MARK**  
**Principal Register**

**NIKE**

Nike, Inc. (Oregon corporation)  
3900 SW. Murray Blvd.  
Beaverton, Oreg. 97005, by merger from  
BRS, Inc. (Oregon corporation)  
Beaverton, Oreg.

For: RETAIL FOOTWEAR AND APPAREL  
STORE SERVICES, in CLASS 42 (U.S. Cl. 100).  
First use Feb. 1972; in commerce Feb. 1972.  
Owner of U.S. Reg. Nos. 978,952, 1,153,938 and  
others.

Ser. No. 302,505, filed Mar. 23, 1981.

JAMES H. JOHNSON, Examining Attorney



**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 1,277,066**

**Registered May 8, 1984**

**TRADEMARK**  
**Principal Register**

**NIKE**

Nike, Inc. (Oregon corporation)  
3900 SW. Murray Blvd.  
Beaverton, Oreg. 97005

For: ATHLETIC AND CASUAL CLOTHING  
FOR MEN, WOMEN AND CHILDREN—NAME-  
LY, SHIRTS, PANTS, SHORTS, JACKETS,  
WARM-UP SUITS, SWIMWEAR, TENNISWEAR,  
SKIRTS, SWEATERS, UNDERWEAR,  
HEADWEAR, SOCKS AND WRISTBANDS, in  
CLASS 25 (U.S. Cls. 22 and 39).

First use Jun. 18, 1971; in commerce Jun. 18, 1971.

Owner of U.S. Reg. Nos. 978,962, 1,214,930 and  
others.

Ser. No. 361,067, filed Apr. 22, 1982.

DEBORAH S. COHN, Examining Attorney

**Int. Cls.: 16 and 18**

**Prior U.S. Cls.: 1, 2, 3, 5, 22, 23, 29, 37, 38, 41,  
and 50**

**United States Patent and Trademark Office**

**Reg. No. 1,924,353**

**Registered Oct. 3, 1995**

**TRADEMARK  
PRINCIPAL REGISTER**

**NIKE**

**BRS, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005**

**FOR: BINDERS, STUDENT PLANNERS,  
NOTEBOOKS, PORTFOLIO COVERS, IN  
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND  
50).**

**FIRST USE 4-10-1995; IN COMMERCE  
4-10-1995.**

**FOR: POUCHES FOR CARRYING SCHOOL  
MATERIALS , IN CLASS 18 (U.S. CLS. 1, 2, 3, 22  
AND 41).**

**FIRST USE 4-10-1995; IN COMMERCE  
4-10-1995.**

**OWNER OF U.S. REG. NOS. 978,952, 1,595,356,  
AND OTHERS.**

**SN 74-384,106, FILED 4-29-1993.**

**CRAIG D. TAYLOR, EXAMINING ATTORNEY**

**Int. Cl.: 28**

**Prior U.S. Cls.: 22, 23, 38, and 50**

**Reg. No. 2,025,926**

**United States Patent and Trademark Office**

**Registered Dec. 24, 1996**

**TRADEMARK  
PRINCIPAL REGISTER**

**NIKE**

**NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005**

**OWNER OF U.S. REG. NOS. 978,952, 1,277,066,  
AND OTHERS.**

**FOR: SPORTS BALLS, IN CLASS 28 (U.S.  
CLS. 22, 23, 38 AND 50).**

**SN 74-605,806, FILED 12-2-1994.**

**FIRST USE 7-26-1995; IN COMMERCE  
7-26-1995.**

**IRENE D. WILLIAMS, EXAMINING ATTOR-  
NEY**

**Int. Cl.: 14**

**Prior U.S. Cls.: 2, 27, 28, and 50**

**Reg. No. 2,196,735**

**United States Patent and Trademark Office**

**Registered Oct. 13, 1998**

**TRADEMARK  
PRINCIPAL REGISTER**

**NIKE**

**NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005**

**OWNER OF U.S. REG. NOS. 978,952, 1,277,066,  
AND OTHERS.**

**FOR: TIMEPIECES OF ALL TYPES,  
NAMELY, WATCHES AND CHRONOGRAPHS,  
IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).**

**SN 75-977,720, FILED 10-24-1996.**

**FIRST USE 8-26-1997; IN COMMERCE  
8-26-1997.**

**PRISCILLA MILTON, EXAMINING ATTOR-  
NEY**

**Int. Cls.: 9 and 28**

**Prior U.S. Cls.: 21, 22, 23, 26, 36, 38, and 50**

**Reg. No. 2,239,077**

**United States Patent and Trademark Office**

**Registered Apr. 13, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**NIKE**

NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

FOR: EAR PLUGS FOR SWIMMING PURPOSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-1998; IN COMMERCE 1-9-1998.

FOR: NOSE CLIPS FOR SWIMMING PURPOSES, SWIM GOGGLES, KICKBOARDS, AND BUOYS FOR RECREATIONAL AND TRAIN-

ING USE, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-1-1995; IN COMMERCE 11-1-1995.

OWNER OF U.S. REG. NOS. 978,952, 1,277,066, AND OTHERS.

SN 74-612,654, FILED 12-19-1994.

PRISCILLA MILTON, EXAMINING ATTORNEY

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 3,081,688**

**United States Patent and Trademark Office**

**Registered Apr. 18, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**NIKE**

NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

FOR: EYEWEAR, NAMELY, SUNGLASSES, SUN-  
GLASS FRAMES, CASES FOR EYEWEAR, PARTS  
AND ACCESSORIES FOR EYEWEAR, NAMELY,  
STRAPS, NECK CORDS, AND HEAD STRAPS  
WHICH RESTRAIN EYEWEAR FROM MOVEMENT  
ON A WEARER, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36  
AND 38).

OWNER OF U.S. REG. NOS. 1,153,938, 2,025,926  
AND OTHERS.

SER. NO. 78-411,705, FILED 4-30-2004.

FIRST USE 8-28-1996; IN COMMERCE 8-28-1996.

TRACY WHITAKER-BOWN, EXAMINING ATTOR-  
NEY

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 3,167,342

United States Patent and Trademark Office

Registered Nov. 7, 2006

Corrected

OG Date Mar. 4, 2008

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TRADEMARK  
PRINCIPAL REGISTER

NIKE

NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

FOR: SANDWICHES , IN CLASS 30  
(U.S. CL. 46).  
FIRST USE 12-1-1961; IN COMMERCE  
12-1-1961.  
SER. NO. 78-248,500, FILED 5-12-2003.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Mar. 4, 2008.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

**Int. Cl.: 9**

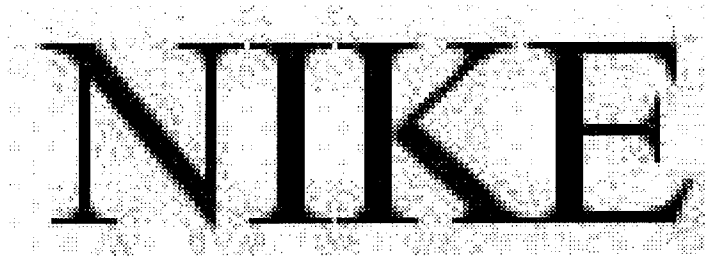
**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,406,594**

**Registered Apr. 1, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**



NIKE, INC. (OREGON CORPORATION)  
ONE BOWERMAN DRIVE  
BEAVERTON, OR 97005

FOR: COMPUTER SOFTWARE IN THE FIELD OF HEALTH AND FITNESS USED TO MANAGE DIGITAL MUSIC, STORE AND ORGANIZE DIGITAL MUSIC, CREATE CUSTOM COMPACT DISCS, DOWNLOAD DIGITAL MUSIC FROM THE INTERNET, BUILD, MANAGE AND TRANSFER PLAY LISTS, LOG FITNESS DATA, NAMELY, TIMES, PACES, HEART RATE AND INJURIES, CREATE WORKOUT SCHEDULES AND GOALS, DOWNLOAD DATA FROM A WATCH TO A COMPUTER; DIGITAL AUDIO EQUIPMENT, NAMELY, PORTABLE DIGITAL MUSIC PLAYERS AND WALKIE TALKIES; COMPACT DISC PLAYERS; HEADPHONES; SPECIALTY CARRYING CASES FOR

CELLULAR TELEPHONES, PORTABLE DIGITAL AUDIO EQUIPMENT, AND COMPACT DISC PLAYERS; PEDOMETERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-0-2000; IN COMMERCE 10-0-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,153,938, 2,025,926, AND OTHERS.

SN 78-528,705, FILED 12-7-2004.

DAVID H. STINE, EXAMINING ATTORNEY